

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Pinney, et al.

SERIAL NUMBER: 10/070,484

EXAMINER: Charanjit Aulakh

FILING DATE: October 11, 2002

ART UNIT: 1625

FOR: INDOLE-CONTAINING AND COMBRETASTATIN-RELATED ANTI-MITOTIC AND ANTI-TUBULIN POLYMERIZATION AGENTS

**MS: IDS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Supplemental Information Disclosure Statement is being filed after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311. The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

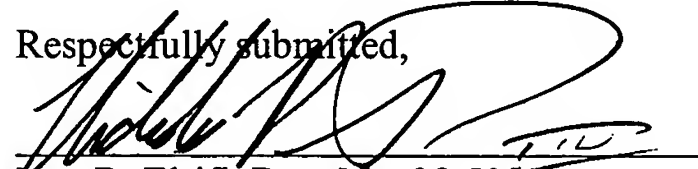
By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Applicants: Pinney, et al.  
U.S.S.N.: 10/070,484

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 18217-524 NATL.

Respectfully submitted,



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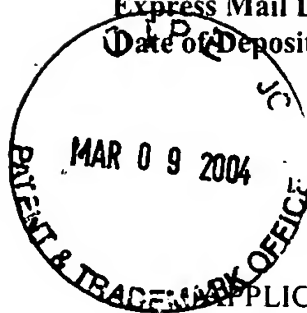
Fax: (617) 542-2241

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Attorney Docket No.: 18217-524 NATL



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**TRANSMITTAL LETTER**

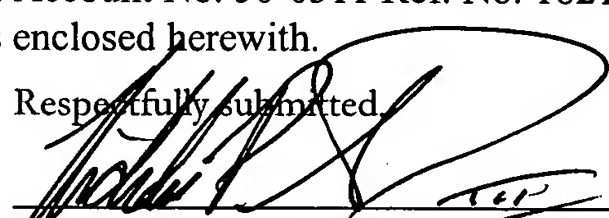
Transmitted herewith for filing in the present application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (2 pages), in duplicate;
3. Copies of Cited References: A8-17; B4-10; and C1-8;
4. Check in the amount of \$180.00; and
5. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 18217-524 NATL. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

  
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Naomi S. Biswas, Reg. No. 38,384  
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<b>Modified Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	<b>Application Number</b>	10/070,484
	<b>Filing Date of U.S. Natl Appl.</b>	October 11, 2002
	<b>First Named Inventor</b>	Pinney
	<b>Group Art Unit</b>	1625
	<b>Examiner Name</b>	Charanjit Aulakh
	<b>Attorney Docket Number</b>	18217-524 NATL

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A8	4,133,814	01/09/79	Jones, et al.	260	326.55	
	A9	4,656,187	04/07/87	Black, et al.	514	422	
	A10	5,514,703	05/07/96	Carlson, et al.	514	443	
	A11	5,514,704	05/07/96	Carlson, et al.	514	443	
	A12	5,532,382	07/02/96	Carlson, et al.	549	57	
	A13	5,596,106	01/21/97	Cullinan, et al.	549	57	
	A14	5,886,025	03/23/99	Pinney	514	443	
	A15	6,162,930	12/19/00	Pinney, et al.	549	57	
	A16	6,232,327 B1	05/15/01	Nickel, et al.	514	337	
	A17	6,350,777 B2	02/26/02	Pinney, et al.	514	469	

U.S. PUBLISHED APPLICATION DOCUMENTS							
Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A18	2002/0091148 A1	07/11/02	BaMaung, et al.	514	414	

FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office	Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes	No
	B4	WO	95/10513	PFIZER INC.	April 20, 1995	Yes	
	B5	WO	98/39323	BAYLOR UNIVERSITY; ARIZONA DISEASE CONTROL RESEARCH COMMISSION	Sep. 11, 1998	Yes	
	B6	WO	00/06556	ABBOTT LABORATORIES	Feb. 10, 2000	Yes	
	B7	WO	00/73264 A1	ABBOTT LABORATORIES	Dec. 7, 2000	Yes	
	B8	WO	02/022576 A2	ABBOTT LABORATORIES	March 21, 2002	Yes	
	B9	WO	02/36597 A1	SIGMA-TAU INDUSTRIE FARMACEUTICHE RIUNITE S.P.A.	May 10, 2002	Yes	
	B10	WO	02/060872 A1	THE AUSTRALIAN NATIONAL UNIVERSITY; THE GOV. OF THE U.S.	Aug. 8, 2002	Yes	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	Banwell, et al., "Synthesis, X-Ray Crystal structure and tubulin-binding properties of a benzofuran analogue of the potent cytotoxic agent Combretastatin A-4", <i>Aust. J. Chem.</i> , 52:767-774 (1999).
	C2	Chen, et al., "Preparation of New Anti-tubulin ligands through a dual-mode, addition-elimination reaction to a bromo-substituted $\alpha\beta$ -unsaturated sulfoxide", <i>J. Org. Chem.</i> , 65:8811-8815 (2000).

Date of Deposit:

OTHER PRIOR ART – NON-PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C3	Flynn, et al., "The synthesis and tubulin binding activity of thiophene-based analogues of Combretastatin A-4", <i>Bioorg. Med. Chem. Lett.</i> , 11:2341-2345 (2001).
	C4	Flynn, et al., "A novel palladium-mediated coupling approach to 2,3-disubstituted benzo[b]thiophenes and its application to the synthesis of tubulin binding agents", <i>Organic Letters</i> , 3(5):651-654 (2001).
	C5	Gastpar, et al., "Methoxy-substituted 3-formyl-2-phenylindoles inhibit tubulin polymerization", <i>J. Med. Chem.</i> , 41:4965-4972 (1998).
	C6	Mahboobi, et al., "Synthetic 2-Aroylindole derivatives as a new class of potent tubulin-inhibitory, antimitotic agents", <i>J. Med. Chem.</i> , 44:4535-4553 (2001).
	C7	Pinney, et al., "A new anti-tubulin agent containing the benzo[b]thiophene ring system" <i>Bioorg. Med. Chem. Lett.</i> , 9:1081-1086 (1999).
	C8	Pettit, et al., "Antineoplastic agents 389: New syntheses of the combretastatin A-4 prodrug", <i>Anti-Cancer Drug Design.</i> , 13:183-191 (1998).

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.